

HOUSE BILL 400

A2

0lr1838

By: **Delegate Beitzel**

Introduced and read first time: January 29, 2010

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2010

CHAPTER _____

1 AN ACT concerning

2 **Garrett County – Wine Festival License – Qualifications – Hearing and Notice**

3 FOR the purpose of altering the requirements for a wine festival license in Garrett
4 County to allow certain additional applicants to be issued the license; requiring
5 that the Board of License Commissioners hold a hearing before a license is
6 issued; requiring that the Board publish a certain notice before a certain time;
7 and generally relating to alcoholic beverages licenses in Garrett County.

8 BY repealing and reenacting, with amendments,
9 Article 2B – Alcoholic Beverages
10 Section 8–308.2
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2009 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 2B – Alcoholic Beverages**

16 8–308.2.

17 (a) In this section, “Board” means the Garrett County Board of License
18 Commissioners.

19 (b) This section applies only in Garrett County.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (c) The Board may issue annually one wine festival license.

2 (d) Notwithstanding any other provision of this article, an applicant for a
3 wine festival license shall:

4 (1) [be a holder] **HOLD**, within the county, [of] an existing retail
5 alcoholic beverages license, State Class 3 winery license, or State Class 4 limited
6 winery license; **OR**

7 (2) **BE ELIGIBLE FOR ANY TYPE OF SPECIAL CLASS C LICENSE**
8 **THAT THE BOARD ISSUES.**

9 (e) A wine festival licensee shall:

10 (1) Only display and sell wine that is:

11 (i) Manufactured and processed in any state;

12 (ii) Price filed in accordance with regulations adopted by the
13 Comptroller; and

14 (iii) Distributed in the State at the time the application is filed;
15 and

16 (2) Display and sell wine at retail for consumption on or off the
17 licensed premises on the days and for the hours designated for the wine festival.

18 (f) The Board shall:

19 (1) Establish the license fee;

20 (2) Approve one or two days, excluding Sunday, annually for the wine
21 festival provided that the days selected do not occur on the same weekend as the
22 Maryland Wine Festival; and

23 (3) Approve a location in the county that is not licensed under this
24 article for the wine festival.

25 (g) (1) Products to be displayed and sold at the wine festival shall be:

26 (i) Invoiced to the wine festival license holder by a licensed
27 State wholesaler, winery, or limited winery; and

28 (ii) Delivered to the wine festival from the licensed premises of
29 the wholesaler, winery, or limited winery.

1 (2) Whenever a wine festival license is issued under this section,
2 holders of wholesale, winery, or limited winery licenses may enter into an agreement
3 with the holder of a wine festival license to deliver beer and wine 2 days prior to the
4 effective date of the wine festival license and to accept returns 2 days after the
5 expiration date of the wine festival license.

6 (h) Notwithstanding § 11-512(c) of this article, a wine festival license issued
7 for use in election district 11 or 15 authorizes Sunday sales:

8 (1) To begin at 10 a.m.; and

9 (2) To be made without a consumer placing an order for a meal
10 simultaneously or before placing an order for an alcoholic beverage.

11 (I) THE BOARD SHALL:

12 (1) HOLD A HEARING ON EACH APPLICATION FOR A WINE
13 FESTIVAL LICENSE; AND

14 (2) PUBLISH A NOTICE OF THE APPLICATION ONE TIME AT LEAST
15 7 DAYS BEFORE THE HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN
16 THE COUNTY.

17 [(i)] (J) The Board shall adopt regulations to implement this section.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.